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Appln. No.: 10/085,910

Request for withdrawal of finality of Office Action

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

**Tommi Auranen *et al.***

Serial No.: 10/085,910

Filed: February 28, 2002

For: **SYSTEM AND METHOD FOR  
INTERRUPT-FREE HAND-OVER IN  
A MOBILE TERMINAL**

Atty. Docket No.: 004770.00039

Group Art Unit: 2683

Examiner: Marcos L. Torres

Confirmation No.: 1183

**REQUEST FOR WITHDRAWAL OF FINALITY OF OFFICE ACTION**

U.S. Patent and Trademark Office  
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I hereby certify that this correspondence is being  
facsimile transmitted to the Patent and Trademark  
Office on December 30, 2005, to (703) 872-9306.  
Signature: /Ross Dannenberg/  
Ross A. Dannenberg, Reg. No. 49,024

Sir:

Applicants respectfully request the withdrawal of the finality of the Office Action mailed November 17, 2005. The Office Action mailed February 7, 2005, rejected claim 1 under a combination of the Jonsson, Dolan, and Malek references. In response to the February 7, 2005, Office Action, applicants *broadened* claim 1, i.e., deleted words from the claim without making any additions to the claim. The subsequent Office Action mailed November 17, 2005, rejected claim 1 under a combination of the Jonsson and Chen references, further indicating that the rejection was final as allegedly necessitated by Applicants' amendment.

Applicants respectfully submit that a broadening amendment cannot necessitate a new ground of rejection. Had the February 7, 2005, rejection been proper, the same rejection could have been maintained against a broadened claim. Therefore, the new ground of rejection must have been necessitated by Applicants' persuasive arguments, not based on Applicants' broadening amendment of claim 1.

In addition, claims 3 and 5 were broadened as well, to correspond to the broadened language of claim 1. Applicants further noted in footnote 1 on page 12 of the amendment dated April 8, 2005, that the rejections of claims 3 and 5 in the February 7, 2005, Office Action were ambiguous and did not afford Applicants a fair opportunity to respond. Applicants thus further

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believe that the finality of the rejection of claims 3 and 5 is improper, because Applicants have not had a first opportunity to address these rejections.

Applicants' undersigned representative spoke with Supervisory Primary Examiner Lester G. Kincaid on December 30, 2005, regarding this issue, as Examiner Marcos Torres' voicemail indicated he is out on vacation for the next week. Examiner Kincaid indicated that, if this Request is granted, that the Office will mail a new non-final Office Action. Applicants and their representative appreciate the Office's attentiveness to this issue and the customer service provided by Examiner Kincaid.

If there are any questions, the Office is invited to contact the undersigned at (202) 824-3153.

Respectfully submitted,  
BANNER & WITCOFF, LTD.

Dated this 30th day of December, 2005

By: /Ross Dannenberg/  
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